

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

JAMES WALLER,

Plaintiff,

v.

NICOLE GREEN, et al.,

Defendants.

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No. 1:16CV123 ACL

MEMORANDUM AND ORDER

Plaintiff moves for appointment of counsel. After considering the motion and the pleadings currently before the Court, the motion is denied without prejudice to refile at a later time.

There is no constitutional or statutory right to appointed counsel in civil cases. *Nelson v. Redfield Lithograph Printing*, 728 F.2d 1003, 1004 (8th Cir. 1984). In determining whether to appoint counsel, the Court considers several factors, including (1) whether the plaintiff has presented non-frivolous allegations supporting his or her prayer for relief; (2) whether the plaintiff will substantially benefit from the appointment of counsel; (3) whether there is a need to further investigate and present the facts related to the plaintiff's allegations; and (4) whether the factual and legal issues presented by the action are complex. *See Johnson v. Williams*, 788 F.2d 1319, 1322-23 (8th Cir. 1986); *Nelson*, 728 F.2d at 1005.

At this point in the case, plaintiff has demonstrated that he can adequately present his claims to the Court, as shown by the filing of the amended complaint. Additionally, neither the factual nor the legal issues in this case are complex. Plaintiff is claiming that defendants were deliberately indifferent to his medical needs in violation of the Eighth Amendment, and he also

appears to be asserting claims relating to his conditions of confinement at the Dunklin County Jail. The Court believes that plaintiff can assert these claims on his own behalf at this juncture.

The Court will entertain future motions for appointment of counsel as the case progresses.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for appointment of counsel [Doc. #3] is **DENIED** without prejudice.

Dated this 2nd day of August, 2016.



ABBIE CRITES-LEONI
UNITED STATES MAGISTRATE JUDGE